

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
CONEY ISLAND LAND CO., LLC

Case No. 15 Civ. 4746

Plaintiff,

NOTICE OF REMOVAL

- against -

DOMINO'S PIZZA LLC,

Defendant.
-----X

TO: THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Defendant, DOMINO'S PIZZA LLC, by its attorneys, GOLDBERG SEGALLA LLP,
respectfully states as follows:

1. Upon information and belief, Plaintiff commenced a civil action in New York State Supreme Court, Kings County, on June 30, 2015 by filing a Summons with Notice with the Kings County Clerk (Exhibit "A").
2. Upon information and belief, service of said Summons with Notice upon the Defendant was made or attempted on Friday, July 17, 2015 at its corporate offices in Ann Arbor, Michigan.
3. On August 13, 2015, this office served a Notice of Appearance in response to that initial pleading (Exhibit "B").
4. Plaintiffs' Summons with Notice seeks the sum of \$738,762 plus interest, fees and charges for real estate taxes, water and sewer charges, and Environmental Control Board charges alleged owed pursuant to a written lease agreement.
5. Pursuant to 28 U.S.C. §1441, *et seq.*, Defendant removes this action to the United States District Court in and for the Eastern District of New York, which is the judicial district in which the action is pending.

6. The ground for removal is diversity of citizenship between the parties, and an amount in controversy exceeding the jurisdictional minimum amount specified in 28 U.S.C. §1332.

7. The Plaintiff is a New York limited liability company, incorporated in Kings County on November 30, 1995 (Exhibit “C”).

8. The Defendant is a Michigan limited liability company, organized and existing under the laws of the State of Michigan, with a principal place of business located at 30 Frank Lloyd Wright Drive, Ann Arbor, Michigan 48106 (Exhibit “D”).

9. There is diversity of citizenship between the parties, as they are both citizens of different states.

10. Based upon Plaintiffs’ Summons with Notice, the amount in controversy exceeds \$75,000 exclusive of interest and costs.

11. This case is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. §1332, and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446.

12. Pursuant to the requirements of 28 U.S.C. §1446, this Notice of Removal is timely filed within thirty (30) days of Defendant’s receipt of the Summons with Notice, which explicitly specifies the amount of monetary damages sought.

13. A copy of this Notice of Removal shall be promptly served upon Plaintiff’s counsel and filed with the New York State Supreme Court, Kings County, pursuant to 28 U.S.C. §1446(3).

WHEREFORE, Defendant, DOMINO’S PIZZA LLC, respectfully requests that the instant action be removed to this Court from the New York State Supreme Court, Kings County; that this Court accept jurisdiction of this action; and that this action be placed on the docket of this Court for all further proceedings as though it had been originally instituted in this Court.

PLEASE TAKE FURTHER NOTICE that Defendant, DOMINO'S PIZZA LLC,
respectfully requests a trial by jury herein, pursuant to Fed. R. Civ. P. Rule 38.

Dated: Garden City, New York
August 13, 2015



CHRISTOPHER KENDRIC (CK 1870)
GOLDBERG SEGALLA LLP
Attorneys for Defendant
200 Garden City Plaza, Suite 520
Garden City, New York 11530
(516) 281-9816

TO:
STERN & STERN, ESQS.
Attorneys for Plaintiff
50 Court Street, Suite 1100
Brooklyn, New York 11201
(718) 935-9458